

THE
Scourge of Aristocracy,

AND REPOSITORY OF IMPORTANT

POLITICAL TRUTHS.

BY JAMES LYON.

No. II.] For October 15, 1798. [Vol. I.

*NATURE has left that Tincture in the Blood,
That all Men would be TYRANTS, if they cou'd.*

JURE DIVINO.

Mr. LIVINGSTON's SPEECH,
on the third reading of the Alien Bill,
(continued.)

BUT here the law is closely concealed in the same mind that gave it birth : the crime is, *exciting the suspicions of the President* ; but no man can tell what conduct can avoid that suspicion—a careless word, perhaps, misrepresented, or never spoken, may be sufficient evidence ; a look may destroy ; an idle gesture may ensure punishment—no innocence can protect—no circumspection can avoid the jealousy of suspicion ; surrounded by spies, informers, and all that infamous herd which fatten under laws like this. The unfortunate stranger will never know either of the law, of the accusation, or of the judgment, until the moment it is put in execution ; he

will detest your tyranny, and fly from a land of defators, inquisitors, and spies.

This, Sir, is a refinement on the detestable contrivance of the Decemvirs ; they hung the tables of their laws so high that few could read them ; a tall man, however, might reach, a short one might climb and learn their contents ; but here the law is equally inaccessible to high and low ; safely concealed in the breast of its author ; no industry or caution can penetrate this recess, and attain a knowledge of its provisions ; nor even if they could, as the rule is not permanent, would it at all avail.

Having shewn that this act is at war with the fundamental principles of our government, I might stop here, in the certain hope of its rejection. But I can do more : Unless we are resolved to pervert the meaning of terms, I can shew that the Constitution has endeavored to "make its surety double sure, and take a bond of Fate !" by several express prohibitions of measures like that you now contemplate. One of these is contained in the 9th section of the first article ; it is at the head of the articles which restrict the powers of Congress, and declares "*that the migration or importation of such persons as any of the States shall think proper to admit, shall not be prohibited prior to the year 1808.*"

Now, Sir, where is the difference between a power to prevent the arrival of aliens, and a power to send them away as soon as they shall arrive ? To me they appear precisely the same. The Constitu-

tution expressly says, that Congress shall not do this, and yet Congress are about to delegate this prohibited power, and say, that the President may exercise it as his pleasure may direct. I am informed that an answer has been attempted to this argument, by saying, that the article, though it speaks of "persons," only relates to slaves! But a conclusive reply to this answer may be drawn from the words of the section; it speaks of migration and importation. If it related only to slaves, *importation* would have been sufficient; but how can the other word apply to slaves? Migration is a voluntary change of country; but who ever heard of a migration of slaves? The truth is, both words have their appropriate meaning, and even extended to secure the interests of different quarters of the Union. The Middle States wished to secure themselves against any laws that might impede the emigration of settlers; the Southern States did not like to be prohibited in the importation of slaves; and so jealous were they of this provision, that the fifth article was introduced to declare that the Constitution shall not be amended so as to do it away.

But even admit the absurdity, that the word "migration" has no meaning, or one foreign to its usual acceptation, and that the article relates only to slaves: Even this sacrifice of common sense, will not help gentlemen out of their dilemma; slaves probably always, but certainly on their first importation, are aliens, many people think they are always ' dan-

gerous to the peace and safety of the U. States!" If the president should be of this opinion, he not only can, but by the terms of this law, is obliged to order them off; for the act creates an obligation on him to send away all such aliens as he shall judge dangerous to the peace or safety of the United States. Thus, according to the most favorable construction, every proprietor of this species of property, holds it at the will and pleasure of the President, and this too, in defiance of the only article of the Constitution that is declared to be unalterable. But let us, Sir, for a moment, if it be possible, let us imagine that a Constitution, founded on a division of powers into three hands, may be preserved, although all these powers should be surrendered into one; let us imagine, if we can, that the States intended to restrict the General Government from preventing the arrival of persons, whom they were yet willing to suffer that General Government to ship off, as soon as they should arrive: Grant all this, and they will be as far from establishing the constitutionality of the bill, as they were at the first moment it was proposed;---for in Article 3d, it is provided, "That all Judicial power shall be vested in the Supreme and Inferior Courts---that the trial of all crimes shall be by Jury," except in cases of impeachment.---And in the 7th and 8th amendments, this provision is repeated, and enforced by others, which declare, that "no man shall be held to answer for a capital, or otherwise infamous crime, unless on a present-

ment of a Grand Jury ;"—that, " in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial Jury of the State and District where the crime shall have been committed ; which District shall have been previously ascertained by law ; and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Council for his defence."

Now, Sir, what minute article in these several provisions of the Constitution is there, that is not violated by this bill ?—All the bulwarks which it opposed to encroachments on personal liberty, fall before this engine of oppression. Judiciary power is taken from Courts, and given to the Executive ; the previous safeguard of presentment by a Grand Inquest is removed ; the trial by Jury is abolished ; the "public trial" required by the Constitution, is changed into a secret and worse than inquisitorial tribunal : Instead of giving "information of the nature and cause of the accusation," the criminal, alike ignorant of his offence, and the danger to which he is exposed, never hears of either, until the judgment is passed, and the sentence is executed : Instead of being "confronted with his accusers," he is kept alike ignorant of their names and their existence ; and even the forms of a trial being dispensed with, it would be mockery to talk of "process for witness," or the "assistance of council for

defence."—Thus are all the barriers which the wisdom and humanity of our country had placed between accused innocence, and oppressive power, at once forced and broke down. Not a vestige even of their form remains. No indictment, no jury, no trial—no public procedure, no statement of the accusation, no examination of the witnesses in its defence, no council for defence—all is darkness, silence, mystery, and suspicion. But as if this were not enough, the unfortunate victims of this law are told in the next section, that if they can convince the President that his suspicions are unfounded, he may, if he pleases, give them a licence to stay—but how remove his suspicions, when they know not on what act they were founded? How take proof to convince him, when he is not bound to furnish that on which he proceeds?—Miserable mockery of justice! appoint an arbitrary Judge, armed with legislative and executive powers added to his own!—let him condemn the unheard, unaccused object of his suspicion, and then, to cover the injustice of the scene, gravely tell him, You ought not to complain, you need only disprove facts that you have never heard, remove suspicions that have never been communicated to you; it will be easy to convince your Judge, whom you shall not approach, that he is tyrannical and unjust; and when you have done this, we give him the power he had before, to pardon you, if he pleases.

So obviously do the constitutional objections present themselves, that their existence cannot be denied, and two wretched subterfuges are resorted to, to remove them out of sight. First, it is said the bill does not contemplate the punishment of any crime, and therefore the provisions in the Constitution, relative to criminal proceedings and judiciary powers, do not apply. But have the Gentlemen who reason thus, read the bill? or is every thing forgotten, in our zealous hurry to pass it?—What are the offences upon which it is to operate? Not only the offence of being “suspected to be dangerous to the peace and safety of the United States,” but also that of being “concerned in any treasonable or secret machinations against the government thereof:” And this we are told is not a crime!—a treasonable machination against the government, is not the subject of criminal jurisprudence!—Good Heaven! to what absurdities does an over-zealous attachment to particular measures lead us! In order to punish a particular act, we are forced to say, that treason is no crime, and plotting against our government is no offence.

And to support this fine hypothesis, we are obliged to plunge deeper in absurdity and say, that as the acts spoken of in the bill, are no crimes, so the penalty contained in it is no punishment, it is only a prevention: that is to say, we invite strangers to come among us, we declare solemnly that government shall not have the power to prevent them—

we entice them over by delusive prospects of advantage—in many parts of the union we permit them to hold lands, and give them other advantages, while they are waiting for the period at which we have promised them a full participation of all our rights.—An unfortunate stranger, disgusted with tyranny at home, thinks he will find freedom here; he accepts your conditions—he puts faith in your promises; he rests his whole property in your hands; he has dissolved his former connections, and made your country his own. But while he is patiently waiting the expiration of the period that is to crown the work, and entitle him to all the rights of a citizen; the tale of a domestic spy, or the calumny of a secret enemy, draws on him the suspicions of the President; and, unheard, he is ordered to quit the spot which he selected for his retreat, the country he had chosen for his own, perhaps the family, which was his only consolation in life, he is ordered to retire to a country whose government, irritated by his renunciation of its authority, will receive only to punish him—and all this we are seriously told is no punishment.

[To be continued.]

FROM THE AURORA.

Frederick Cæsar de la Harpe, a native of Switzerland, and cousin to the celebrated French General of Division, Amadeus de la Harpe de Yens, published at the end of 1796, and in 1797, two volumes on the old Constitution and Charters of the Pays de Vaud,

wherein he exposed the system of rapacity, persecution, and tyranny, exercised by the Aristocratic families of Switzerland upon their subjects, that is, the mass of the people. The author was a Colonel of Engineers in the Russian army, and appointed by Catherine I. Instructor in the Military Art and Mathematics, of Peter and Constantine, the two eldest sons of the present Emperor of Russia. In 1789, he drew up a plan for re-establishing the chartered rights of his native country, and sent several copies from Petersburg to his friends and relations. A few that reached their destination, were in 1790 seized by the Bernese Government, and used as proofs of the treasonable practices of those persons that had received them: But the major part of the copies were intercepted by the late Inquisition of Berne, and the Bernese Oligarchs conceiving this a favorable opportunity of ingratiating themselves with the Empress of Russia, and ruining the author, sent a copy of the *Essay* to Petersburg, and represented Colonel La Harpe as one of the most active members of the Jacobin Society at Paris. However, they completely miscarried in the attempt. The Russian Cabinet paid no attention to the information, considering it merely as an effect of personal vengeance. From that time no farther steps were taken against Col. La Harpe, by the Bernese Government, although, amongst a great number of his countrymen, they most cruelly persecuted many of his relations and friends. But in 1795, on his return from Russia, he received a notification from the Oligarchs that he was banished, and would be imprisoned, if he should dare to enter his native country. On entering the campaign of 1796 in Italy, General La Harpe had particularly charged his cousin, the Colonel, to vindicate his memory, and be a father to his six children; the first he did in a memorial, wherein he unveiled the illegal proceedings and inquisitorial ferocity of his judges; and the French Government, upon his request, addressed to the Oligarchs a vigorous remonstrance, which deter-

mined them in June 1797, not only to restore all the confiscated estates of the late General La Harpe, to his children, but to extend the favor to all who had shared the fate of that General in 1790 and 1791, or since fallen victims, on account of their political opinions, except Col. La Harpe, on account of his having published so many scandalous libels against the magnificent and right honorable Lords of the Sovereign Council, against their Grandeurs of the Senate, and against his Excellency the acting Pretor, or President, of the ancient Republic of Berne. But his property, besides a just indemnity, was restored to him after the revolution of March last. After this short account of the author, we shall extract a few articles which will afford additional proofs, that the idolizing of individuals, however meritorious, and the extention of Executive Prerogative, is the bane of all free governments.

EXTRACTS.

THE government of Berne, like those of Soleure, Lucerne, and Fribourg, gradually degenerated from a Democracy into a rank Aristocracy, and finally into a despotic Oligarchy. Berne was, in 1249, governed by a Pretor, a Council of Twelve, and one of Fifty, all chosen by the people. In 1338, the Council of 50 was increased to 200. The elections took place annually at Easter. Affairs of great importance, such as the declaring of war, levying of taxes, &c. were deliberated and decided on by the body of the people. The members of the Councils were generally chosen from among the principal families, yet no restraint was laid on the elections, no jealousy nor ambition excited; so long as the

elected, without receiving any money compensation, attended to the general happiness in serving the common cause.

The people readily gave their suffrages to men who by their probity, disinterestedness, courage, and ardent patriotism, rendered themselves worthy their choice; but when the men, who, for some time, had monopolized popular favor, attempted to metamorphose personal distinctions into hereditary privileges, the bulk of the people soon opened their eyes to their danger, and proved by the vigorous measures they adopted, that they had not forgotten their rights, nor become too impotent to defend them. At this they offered a memorable example in 1470, when setting aside all the candidates of the influential families, they elected for their Chief Magistrate, Peter Kistler, a butcher, who deserved this honor by his intrepidity and uncommon talents. Awed into respect by the firmness of this man, to whom Berne owes its political independence, the great families affected humility, in order to regain popular favor; and as past events had rendered them more cautious, they from that time took great care not to revive the jealousies of the people, and secretly undermined their liberties.

The overthrow of the Democratic form of government in the Canton of Berne, dates from the sixteenth century.—“The ancient Constitution, (says the celebrated Muller) under which affairs that might interest the community and posterity, were

submitted to the sanction of the people in mass, was shaken to its basis, partly by the ambition of certain associations, and partly by the forced extension of Executive authority." — We find, that in 1536, the Bernese government consulted not only the inhabitants of the city, but also those of the German Bailiwicks, before they declared war against the Duke of Savoy. They proved very successful in this war, aggrandized their domains with a valuable province, accumulating great riches ; and having now a considerable army at their disposal, the ruling families threw off the mask, and boldly proceeded in the execution of their favorite plan : — " They formed a coalition with the richest and most influential Burgers of the city, as well as of the country, enlisted the majority of the Clergy, and all the ambitious, timid, and credulous ; the first by means of a system of terror, and the latter by representing their opponents, the real friends of the country, as sworn enemies to all order, and to the established protestant religion." In these critical times, when the army was headed by the sons and relations of the conspirators, and one portion of the people seduced to assist in forging chains for the whole, there were yet some virtuous men, who had courage enough to defend the rights of their country ; but they fell victims to the tyranny of the usurpers. John de Diesbaek, who, although of a noble family, had courageously supported the rights of the people, was, with many others, banished — The remainder of the opponents

to the aristocratic faction were excluded from the rights of citizenship. In order to prevent others from following their example, the usurpers established a state inquisition, under the name of Secret Council, which was organized nearly in the same manner as the famous Inquisitorial Council of Ten, at Venice.

Having thus deprived one half of the people of the rights of citizenship, and succeeded in annihilating opposition, the Aristocratic faction of Berne hastened to aggrandize and consolidate its power, by excluding the greater part of its accomplices and dupes from all share in the government. The inhabitants of the country towns and villages who had been instrumental in subjugating their fellow citizens, and banishing the most strenuous defenders of liberty, were singled out as the first victims ; they were despoiled of their rights, under pretence that their distance from the capital rendered it too inconvenient for them to take a part in affairs of state ; and, to add insult to oppression, they were at the same time assured they might continue to exercise their right, on condition of removing to the capital ; the residence in the capital was then made a condition for citizenship, merely to accommodate the leaders of the country people. The admission of foreigners, not *natives* of the capital, nor descendants of the usurpers, to the rights of citizenship, was at first subjected to discouraging conditions, then more severely restrained, and at last totally abolished.

In this manner it happened, at the beginning of the present century, of five hundred thousand people that inhabited the Canton of Berne, there were no more than three hundred and odd families that enjoyed the rights of citizenship ; in 1797 they were already reduced to 236 families ; of these, no more than 76 were qualified for the Magistracy and other public employments ; the remaining 160 families formed a kind of intermediary cast between the subjects and the patricians, and were incapable of holding any public employment, but shared with the latter some profitable although less essential privileges, such as the right of chase, the exclusive right of selling merchandizes, wine, &c. to the shop and tavernkeepers of the whole Canton, who were bound under heavy penalties to purchase every necessary from the privileged class. In short, it may with truth be said, that the lives and properties of 536,000 human beings, and all the power, and the emoluments of the public employments in the Canton of Berne, were in the hands of *sixteen* families, as the following statement, taken from the lists of the Bernese Government, will prove :

The Council of 200, or Sovereign Council of Berne, which possessed all the power of that Canton, and from which all the members of the different Departments of the Administration, all the Prefects, or Governors of Districts, and all the superior officers, were taken, was composed, in 1797, of 292 members ; among these were 22 of the family of

Steiger, 15 of Watteville's, 14 of Jenner's, 12 of Tacharnier's, 11 of Graffanried's, 10 of Sinner's, 9 of Fisher's, 8 of Diesbach's, 8 of May's, 7 of Wagner's, 6 of Fristing's, 6 of Erlach's, 6 of Effinger's, 6 of Stettler's, 6 of Thorman's, and 5 of Stirler's; consequently *sixteen* families had 151 votes, or a majority in the Sovereign Council.— Five other families, viz. those of Kirchberg, Herbot, Bonstetten, Tavel, Mulinen, and Manuel, had each five members in the Council. In 1776, the Sovereign Council of Berne was composed of 296 members, and 14 families had 149 votes, or a majority in it. In 1790, the same Council was composed of 256 members, and sixteen families had 149 votes, that is a majority in it. Hence it resulted, that a few families could pass any law, and considered the whole country as their private property, and the public treasury as their own. In order to shew the whole extent of the egotism and voraciousness of this monstrous coalition, it ought to be remembered, that the Council of 200 did not only fill out of their own body all the departments of government, but had also the exclusive right to the Prefecturates, or Governments of Districts, which the members divided amongst them, by lot, each for six years. There were no less than *sixty-one* of these Prefectures in the Canton of Berne, besides ten in the subject provinces, which they enjoyed in common, and by turns, with the Patricians of the other Cantons. The least of those Prefecturates yielded

a net annual revenue of 2000 dollars, but the major part of them from 4 to 10,000 dollars, besides a superb palace, gardens, and lands, destined for the use of the Prefect, or Governor's family. It has been calculated on a medium, that this branch of exclusive privilege alone, yielded to the Bernese Patricians, after deducting the expences of their friends, a clear profit of two millions of dollars every six years, and from 1700 to 1796, thirty-two millions.

If about one half of the above sum is allowed for every six years during the period from 1536, the epoch of the establishment of the Aristocracy, to 1700, it will amount to twenty-nine millions, which added to the thirty-two, makes a total of sixty-one millions of dollars divided since 1536, amongst the privileged families. This calculation relates only to the revenues of the Prefecturates. Many of the other public employments were also very lucrative.

Thus, we see, the inhabitants of the Canton of Berne, as well as those of the other Aristocracies of Switzerland, were divided into two distinct castes; the first, consisting of a small number of Burghers of the capital, filled exclusively all the posts of the Administration, possessed all the prerogative of Sovereignty, and enjoyed alone all the honors and emoluments thereof; whilst the second, composed of the bulk of the people, under the name of subjects, were denied all share in the administration, excluded without distinction from all posts of trust, treated as aliens, and obliged to brook, in respectful silence,

the mortification which necessarily followed from a system as unjust as it was outrageous.

[“The above is a true picture of the blessings enjoyed by the people under the pretended *ancient republics* of Europe, whose downfall Mr. Adams and his admirers have so frequently and so bitterly bemoaned. We will readily believe that the servile respondents to the “President’s theme” knew nothing of “the ancient republics” except the names; but he who has compiled a book on constitutions, must have been minutely acquainted with the system of slavery established in those countries he pleased to style “ancient republics”—a system far more shocking and despotic than the governments in absolute monarchies;—In these a numerous nobility share with the monarch the honors and emoluments of sovereignty, and is always preferred; yet the plebeians are freely admitted to certain posts of trust, and are not positively excluded from any; for there exists, even at the present moment, a number of them of plebeian descent, who, by their merits, talents, or intrigues, have risen to the highest dignities at the different courts of Europe. The *merit* of excluding the bulk of the nation from all share in the administration, from all posts of trust, without distinction, belongs exclusively to Mr. Adams’s beloved *ancient republics*. Had the system of dividing all the honors and emoluments of sovereignty among the chosen few, and treating the mass of the nation as the property of the well born, not met his full

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approbation, would he have lamented the downfall of such iniquitous governments?—No: It is but too evident, that the leaders of the federal party are determined to tread in the footsteps of the rotten aristocracies of Europe. They have already succeeded in virtually excluding one half of the people from all share in the administration; since they have not only for some time past acted upon the principle, that no one differing in opinion with the President should hold any office of trust or profit, but they shewed so much contempt for the good sense and spirit of the majority of their fellow citizens, that they dared openly to profess and vindicate it on the floor of Congress. They have not been less active, and were partially successful, in depriving a portion of the industrious, of the right of voting at elections, by leaving no other choice to the dependent tradesman or laborer, and the timid, but to substitute theirs for his own vote, or to fall a victim to the persecuting spirit of an unprincipled junto. It is clear that the aristocratical faction in this country have made greater progress towards exclusive privileges in a few years, than their predecessors in Europe had been able to make in several centuries. Let the country people open their eyes to the danger; if aristocracy, should ever gain the upper hand, they would be first sacrificed—Voracious prefects would be appointed for each county, for each district, to devour the substance of the country. Instead of Representatives of the people, we should

soon see the Congress filled with the Representatives of a few families, usurping the sovereignty of the nation—Like the Bernese, we should see 22 Adams's, 19 Jays, 18 Hamiltons, 17 Wolcots, 14 Pickering's, 12 Sedgwicks, &c. constituted a sovereign council of America, to make laws for their subjects, and raise taxes for their families. That part of the community who have hitherto been seduced by false representations, under the pretence of crushing the seditious within, and defending holy religion, to assist in forwarding the nefarious scheme, will at last discover, that in combining with the faction, to subjugate a portion of their fellow citizens, they forged chains for themselves.

As to the leaders of the Aristocratic junto, it would be in vain to remind them, that the very existence of Aristocracy requires that the chosen ones be but few. They are like the Dutch adventurers who undertake the voyage to Batavia: These know very well that nine out of ten generally fall a prey to the insalubrity of that place; but the remaining one returns to Holland, laden with riches, and each of the adventurers expects to be the *happy one*. So it is with the leaders of the Federal Faction; each of them expects to be a *Prefect of a county or district, a member of the Sovereign Council, a President, or Vice-President, for life*.—But let them look to the fate of the great majority of the accomplices of the Bernese Aristocracy—*the chosen ones are few.*”]

[*Further extracts will be given occasionally.*]

Col. LYON's DIALOGUE.

[Continued from No. I. p. 22.]

Nei. **D**ID not the usage of the French Government toward our Envoys, rouse your indignation to a willingness to go to war with France? Nothing vexed me like that.

Lyon. I had opportunity and leisure to hear and read the dispatches from our Envoys deliberately; by them I found that our Envoys arrived in Paris on the 4th of October last, that they sent one of their Secretaries, on the 8th, to the Minister of Foreign Affairs of the French Nation, to know when they should wait upon him; he set a time, they waited on him, and after some conversation on the subject of their mission, they asked for cards of hospitality, which were sent to them and their Secretaries, the next day, in a style suitable to their official character. From this time forward, to the 2d of March, we do not find by the dispatches, that the Envoys, save Mr. Gerry, once had waited on the Minister of Foreign Affairs, notwithstanding the doors of his office appears to have been open to them; at which time the French Minister complains to them, that the original favorable disposition of the Directory had been a good deal altered, by the coldness and distance which the Envoys had observed; that instead of seeing him often, and endeavoring to remove the obstacles to a mutual approach, they have not once waited upon him.

— *Nei. I did not observe these things in the dispatches. I took it that the French Government constantly refused to hear any thing from our Envoys, and had in no shape or manner received them : but you have said nothing with regard to the tribute.*

Lyon. That part of what you call the tribute, which is couched under the demand of fifty thousand pounds sterling, stands on very slim evidence, in my view. Our Envoys, for some reason or another, instead of employing their time with the Minister of Foreign Affairs, suffered themselves to be amused for several months with the visits and conversation of X, Y, Z, and a Lady, who had held up to them the necessity of purchasing the favor of the French Government, by a bribe of 50,000l. sterling, which the junto doubtless expected to handle. The Portuguese Ambassador had been so served, but just before, it seems, by those or other villains, who got him into difficulty with the French Government ; the names of the persons being kept secret, and the manner of the transaction, renders it doubtful, and even incredible, that the government knew of the proposition, were it not that the French Minister said, “ that the information M. Y. had given, was just, and might always be relied on : ” However, the Minister adds, as if for fear of being misunderstood, “ but that he would reduce to writing his propositions, which he accordingly did, and after he had shown them to Mr. Gerry, he burnt the paper ; the substance was as follow : “ That the Envoys should

ome forward generally, and say, France has been serviceable to the United States, and now they wish to be serviceable to France : understanding that the French Republic has sixteen millions of Dutch Rescripts to sell, the United States will purchase them at par, and will give her further assistance when in their power.

" The first arrangement being made, the French Government will take measures for reimbursing the equitable demands of America arising from prizes, and to give free navigation to their ships in future." These propositions say nothing of that bribe, or douceur, they merely amount to a loan of sixteen millions of guilders to pay to our own citizens for the property which had been unjustly taken from them.

Nei. I understand by that loan we were to have been taxed for that money, and that it must all be paid down before our Ministers were to be heard at all.

Lyon. The loan was talked of as a preliminary, or first article only in the treaty ; and to shew you that I have reason to understand the loan to be for the purpose of paying for the spoilations, I will refer you to what passed between the Envoys and the French Minister, in the following words. The French Minister observed, " that we had claims on the French Government, for property taken from American citizens. Some of those claims were probably just. He asked, if they were acknowledged by France, whether we could not give a credit as to

the payment—say for two years?" We answered, that we could. He then insisted that it was precisely the same thing; that by such an act, we should consent to leave in the hands of France, funds to which our citizens were entitled, and which might be used in the prosecution of the war. General Pinckney said, there was a difference between the cases; that such prizes were now actually in the power of the French, without our consent; we could not prevent it, or get them out; but the granting or not granting a loan was in our power. He repeated his observation, and General Marshal said, that the property for which money was due to American citizens from the French Government, was taken into the possession of that Government, without any co-operation on the part of the U. States. No act of any sort was performed by our government, which in any degree contributed to place those funds in the hands of France, nor was there any consent towards it; but in the case proposed, the act would be the act of the Government; the Government would itself place funds in the hands of France, and thereby furnish means which might be employed in the prosecution of the war. This was the distinction between the cases, and in a question of neutrality, it appeared to us to be all-important. The Minister then proceeded to state the case of our assuming the debt of our citizens, and of paying the money in that manner; but Gen. Pinckney and Mr. Gerry told him that we were positively forbid-

den to assume the debt to our own citizens, even if we were to pay the money directly to them. He seemed surprised at this."—You will see that France was not determined to break with this country, on account of the refusal of a loan, if they saw us friendly ly to them, by the following words: " Mr. Gerry, at the time, thought he alluded to the treaty to be made, and said, All treaties should be founded in reciprocity: and then asked him, Whether a loan was the ultimatum of this Government? M. Talleyrand did not give a direct answer to the question: He said, as he was understood, that the Government insisted on some act which would demonstrate our friendly disposition towards, and our good wishes for the Republic; this once done, he said, the adjustment of complaints would be easy; that would be matter of enquiry; and if France had done us wrong, it would be repaired. But that if this was refused, it would increase the distance and coldness between the two Republics. The conversation continued in this style until 4 o'clock, when we took our leave, and agreed to meet in the evening."

As I had made up my mind before, that war would be prejudicial to this country, rather than likely to repair the losses they had already sustained, I did not look for matter of imitation in the dispatches, and was surprised to find that their publications, with the comments made upon them, by the war party, had answered a purpose to set a great share of the people of the country into a violent

thirst for war ; a war without any body to fight ; a war of expence, without any kind of object, save that of obtaining a better peace for Britain, who now hate and envy us for our independence ; who can never forgive our rebellion ; a power, who would be very willing to divide our country with exasperated France, and make one half of it the price of their peace, as France disposed of Venice.

Nei. *What do you think was the intent in publishing the dispatches, with the comments made upon them ?*

Lyon. I did suppose it was for the purpose of exasperating the people to a willingness to pay the taxes which the enormous expences projected would naturally produce.

Nei. *What is the amount of the expence incurred for ships or vessels of war, this year ?*

Lyon. The sum for the vessels authorised, it is supposed will amount to 3,370,000 dollars.

Nei. *Does this include the pay and subsistence of the officers and men, the repairs, &c. belonging to the navy ?*

Lyon. No—this expence for one year amounts to about 2,300,000.

Nei. *What is the expence of the new army which is now raising estimated at for this year ?*

Lyon. 3,700,000 dollars.

Nei. *What is the amount of the appropriations for fortifications, arms, and ammunition ?*

Lyon. About 1,730,000, including the sums appropriated for the purchase or erection of cannon-foundries, and military stores.

Nei. Does this include the pay for the provisional army, and the volunteers?

Lyon. No—it that army is raised, one year's expence will amount to 3,500,000 dollars more.

Nei. This is a large sum indeed! it amounts, I think, to 14,600,000—it is more than three dollars a head for every man, woman, and child, in the U. States; and this sum is over and above the common and ordinary annual expence, including the pay of the President, and Congress, all the other Officers of Government, and the old standing army, the interest of the national debt, and a thousand other things.

Lyon. Yes.

Nei. And how is this 14,600,000 dollars to be raised?

Lyon. There was, according to estimate, about 1,600,000 left unappropriated on the ordinary incoming revenue; this sum, those who were opposed to the war were willing, as the appearance of danger approached, to have appropriated to the completion of the fortifications in the ports and harbors, the purchase of arms and military stores, and the raising some infantry companies, to take the place of such part of the regiment of artillery as might not be wanted in the back forts, in order to let them come to the sea coasts, and take care of the new fortifications; but propositions of this kind were disdained. The Stamp-act is computed to produce 350,000; the additional duty on Salt, 250,000; the tax on houses, lands, and slaves, 2,000,000; the President

is authorised to borrow, on such terms as he thinks proper, subject to be redeemed after 15 years, if Congress please, 5,000,000 ; the amount of the value of the ships to be built by private subscription, for which the United States are to pay an interest of 6 per cent. until the principal is paid, estimated at 640,000 dollars. The remaining 5,360,000 is left unprovided for till the next session.

Nei. *What is Vermont's share of the 2,000,000 ?*

Lyon. 46,864 dollars.

Nei. There appears to be upwards of ten millions of the borrowed money, and that which is unprovided for. Suppose that had been all laid on the lands and houses, with the present two millions (and in the event of a war, we ought not to run in debt) the amount of Vermont's share would have been 281,184 dollars. This county of Rutland appears by the census to be about a fifth part of the State ; but suppose it one sixth, that will bring the share of this county to be 46,864 dollars. Divide that among the 24 towns, and it would amount to 1952 dollars. Look for a middling town, suppose Hubbardton, or Wells, how can they pay 1952 dollars annually, in the present scarcity of cash ? and it seems the commerce is not likely to afford any additional revenue ; and after paying an interest no one knows how long, the principal must lie like a mortgage on the land. — When I take all these things into view, I can no longer wonder at the part you have acted in opposition to the measures which have led to all this. But what comes of the old national debt all this time ? Is that to France paid, as we have heard ?

Lyon. The debt to France has been purchased by speculators in this country; but instead of being paid, it is increased by the transfer, as the purchasers were allowed a bounty for purchasing it. The national debt has been increasing ever since the funding system took place. Within two years, Congress must provide revenue for the additional payment of 1,100,000 dollars annually, the interest and instalment of the deferred stock.

[To be continued.]



COL. LYON'S TRIAL.

[The following is taken from a letter written by Col. LYON, since he was committed to gaol, and directed to Gen. STEVENS THOMSON MASON, of Virginia, Senator of the United States.]

In Gaol at VERGENNES, (the only city in Vermont, it contains about 60 houses and 70 families) October 14, 1798.

DEAR GENERAL,

I take the liberty to trouble you with a recital of what has happened to me, within about ten days past.

On Thursday, the 5th of this month, I was informed that a Grand Jury had been collected to attend the Federal Court at Rutland, about 15 miles from my place of residence; that they were selected from the towns which were particularly distinguish-

ed by their enmity to me ; that the Jury was composed of men who had been accustomed to speak ill of me ; that they had received a charge to look to the breaches of the Sedition Law ; and that they had some publications of mine under consideration. The same night a friend called, and assured me that a bill was found against me, and urged me to be out of the way of being taken—he declared to me, that it was the wish of many of my friends ; he informed me, that the Petit Jury was taken from the same towns where the Grand Jury were ; and that from every examination, there was not more than two among the 14 which were summoned, who had not opposed me in the late election : He mentioned several zealous partisans for Presidential infallibility among them, and one who had lately been writing the most virulent things against me, in his own name, which was published in a news-paper. My answer to all this was, it could not be honorable to run away—I felt conscious that I had done no wrong, and my enemies should never have it to say, that I ran from them.

An officer of the court had been in my neighborhood the same evening, to summon witnesses ; I had told him, if the Court wanted me, he need bring no posse, he might come alone, I would go with him, there should be no resistance. Accordingly, on Friday evening, the same officer, a Deputy-Marshal, came with a warrant for my apprehension, which he gave me to read, and accepted of my word and

honor, as bail, to meet him at Rutland Courthouse the next morning about 9 o'clock.—I was there accordingly ; and soon after the court was opened, I was called to the bar to hear the indictment read.—It consisted of three counts ; the first, for having maliciously, &c. with intent, &c. written, at Philadelphia, a letter dated the 20th of June, and published the same at Windsor, in the news-paper called the *Vermont Journal*, containing the words following :

“ As to the Executive, when I shall see the efforts of that power bent on the promotion of the comfort, the happiness, and accommodation of the people, that Executive shall have my zealous and uniform support: But whenever I shall, on the part of the Executive, see every consideration of the public welfare swallowed up in a continual grasp for power, in an unbounded thirst for ridiculous pomp, foolish adulation, and selfish avarice ; when I shall behold men of real merit daily turned out of office, for no other cause but independency of sentiment ; when I shall see men of firmness, merit, years, abilities, and experience, discarded in their applications for office, for fear they possess that independence, and men of meanness prefered, for the ease with which they take up and advocate opinions, the consequence of which they know but little of—when I shall see the sacred name of Religion employed as a slate engine, to make mankind hate and persecute one another, I shall not be their humble advocate.”

The second count consisted of having maliciously, &c. and with intent, &c. published a letter, said to be a letter from a Diplomatic Character in France, containing two paragraphs in the words following :

" The misunderstanding between the two Governments," (France and the United States,) " has become extremely alarming ; confidence is completely destroyed, mistrusts, jealousy, and a disposition to a wrong attribution of motives are so apparent, as to require the utmost caution in every word and action that are to come from your Executive ; I mean, if your object is to avoid hostilities. Had this truth been understood with you, before the recall of *Munroe*, before the coming and second coming of *Pinckney* ; had it guided the pens that wrote the bullying speech of your President, and stupid answer of your Senate, at the opening of Congress in November last, I should probably have had no occasion to address you this letter."

" ——— But when we found him borrowing the language of Edmund Burke, and telling the world, that although he should succeed in treating with the French, there was no dependence to be placed on any of their engagements ; that their religion and morality were at an end, that they had turned pirates and plunderers, and it would be necessary to be perpetually armed against them, though you were at peace : we wondered that the answer of both Houses had not been an order to send him to a mad house. Instead of this, the Senate have

echoed the speech with more servility than ever George the third experienced from either House of Parliament."

The third count was for aiding and abetting, &c. in publishing the same.

I was called upon to know if I was ready to plead to the indictment. I answered, that I was always ready to say I was not guilty of the charges in the indictment, but that I was not provided with council, there being no person at Rutland I was willing to trust with my cause ; I had sent to Bennington for two gentlemen on whom I could rely, Mess. Fay and Robinson, who would be here by Monday. It was then signified to me, that I might have the trial postponed until the session of the court in May next. This I could not wish for, as that session was to be at Windsor, over the Mountain, where they were sure of having a unanimous jury, such as they wanted.

In the fourteen Jurymen before me, I thought I saw one or two who knew me, and would never consent to say that I was guilty of an intention of stirring up sedition ; I was unwilling to remain under a censure of the kind, for these reasons I chose to come to trial ; I accordingly gave bonds for my appearance the next Monday. Saturday and Sunday were violent stormy days, and at the opening of the court on Monday, I had heard nothing of my Council, nor my Messenger : I so informed the Court, and told them, I thought we should hear from

them in an hour, for which time the Court adjourned. Within that time my Messenger returned, with news that Mr. Fay's wife was very sick, and Mr. Robinson, who is a member of the Legislature, was preparing to attend, and could not be at Rutland so soon as that time. Mr. Smith, who is our Chief Justice, was present—altho' he and I had been formerly competitors for the representation of this district in Congress, he is a Republican, and many of my friends are now his friends; they applied to him to assist me, and I understood he had consented.— Thus circumstanced, I proceeded to trial. So ignorant was I of law proceedings, that I expected to object off the inveterate part of the Jury, without giving particular reasons, or supporting them by evidence, I was therefore unprepared. The Attorney for the United States was called on to say if he had any objections to the Jury. He said he had to a Mr. Board; he believed he had given an opinion in the cause; to prove which, he called upon a Deputy-Sheriff, who swore he had some conversation on the Saturday before, with Mr. Board, in which he understood Mr. Board to speak as if he thought that Mr. Lyon would not be condemned, or some such thing. Judge Patterson enquired if there were not enough for the panel without him, Mr. Board. He was answered, there were thirteen more. Mr. Board was ordered off. Thus was the only man swore away, that knew me enough to judge of my intentions. No one doubts that the

Deputy-Sheriff began a discourse with Mr. Board on purpose to have something to swear. Mr. Board said, he expected that was the case when he came to him, and he carefully avoided conversing with him. I objected to two of the Jury, on account of their violent opposition to me; and although unprepared with regard to proof, I called on some persons present to see if they could recollect any virulence made use of by those two; and I sent for the news-paper to prove the abuse of the one who had published; the Judge observed, that a difference in political opinion could be reason against a Juryman; and as there were twelve beside, he ordered the person who had been libeling me, off.—Here I plead to the jurisdiction of the Court, on account of the unconstitutionality of the law. My plea was over-ruled, but I was told, I might make use of the arguments in any other stage of the trial.

The Attorney on the part of the United States, on the first count, produced my original letter, on which was the Philadelphia post-mark, July 7. He attempted to bring some evidence to shew that the letter did not arrive at Windsor until after the 14 of July; the printer's boy thought it did not arrive until the 20th, and Mr. Buck saw the printer setting from it about the 23d, or later; I acknowledged the letter. As to the second count, several evidences were brought to swear they heard me read the letter, said to be the letter from a Diplomatic character, in France, from a manuscript

copy, supposed to be in my own hand writing; they were enquired of, whether the reading of the letter caused any tumult? One of the evidences, a young Lawyer, and another person, an associate of his, said that they thought it did at Middletown. One of them said he heard one person say, there must be a revolution; and they both agreed that there was a noise and some tumult after the reading of that letter and some other papers. On my enquiring of them the cause of the tumult, and their opinion, if there would have been any tumult there, if they had not followed me on purpose to make disturbance? they acknowledged they thought if they had not been there, there would have been no disturbance; and they also agreed, that the tumult was caused by the other people's disliking their being there, and their conduct there; they agreed also, that I refused to give an opinion upon the letter.

In proof of the third count, the Attorney produced evidence to shew that the printed pamphlet, entitled, a Copy of a Letter from a Diplomatic Character in France, was taken from a manuscript in my hand, and the printer said he received the copy from my wife. The evidence all agreed that I had ever been opposed to the printing the letter, and gave for reason, that I had promised the gentleman, to whom the original had been written, that I would not suffer it to be printed. The young Lawyer said that I told him, there were not

above one or two passages in the letter which could be called seditious.

The Attorney proceeded to sum up the evidence, and dwelt on every thing which he thought proper to point out the appearance of evil intentions. As soon as he had seated himself, or before, Judge Patterson rose and was proceeding to give his charge to the Jury, I interrupted him, with an enquiry into the cause, why I should not be heard, he politely sat down and directed me to proceed. My defence consisted of an appeal to the Jury, on the unconstitutionality of the law, the innocence of the passage in my letter, and the innocence of the manner in which I read the letter. It was said I spoke two hours and upwards. Mr. Smith declined speaking, as he was unprepared. The Attorney replied as decently as any man of his profession and principles would. The charge, from the Judge, was studiously and pointedly severe. After telling the Jury, if they leaned any way, it ought to be in favor of the defendant, he proceeded to dwell on the intention and wickedness of it, in the most elaborate manner; he descended to insinuate that the Barlow letter, as it was called, was a forgery; he said, let men of letters read that letter and compare it with Barlow's writings, and they would pronounce it none of his. He told the Jury that my defence was merely an appeal to their feelings, calculated to excite their pity; but mercy, he said, did not belong to them, that was lodged in

another place, they were to follow the law, which he explained in his own way, and supported the constitutionality of it. The Jury retired about 8 o'clock in the evening, and in about an hour returned with a verdict, *Guilty!* The Judge observed to me, that I had then an opportunity to shew cause, why judgment should not be pronounced against me, and to shew what was my ability or inability to pay a fine, as a man of large property, in such a case, ought to be obliged to pay a greater fine than one of smaller property. I replied, I did not expect any thing that I should say, would have any influence on the Court, in the present stage of the business. The Judge said I might think of it until morning, and the Court adjourned until 9 o'clock next morning; I then attended, and after being called upon, I observed to the Court, in reply to what had been said to me upon the score of property, that a few days ago I owned a property which I estimated, some years since, at 20,000 dollars; in the present state of the affairs of our country, I did not expect it would fetch half that sum. I had lately made over all the productive part of it, to secure some persons, who were bound for me for debts, to the amount of sixteen or seventeen hundred dollars, there still remained enough to be worth much more than the Court were empowered to fix the fine at; but in the present scarcity of cash, and the prospect of lands soon to be sold very cheap, I did not know that I could possibly raise 200 dollars, in cash, upon it.

The Judge, after an exordium on the nature of the offence, the malignity of it in me, particularly being a member of Congress, and the lenity of the Sedition Bill, which did not allow the Judges to carry the punishment so far as common law did, pronounced sentence, that I be imprisoned four calandar months, pay a fine of 1000 dollars, and stand committed until the judgment should be complied with. This sentence was unexpected to all my friends as well as myself, no one expected imprisonment.

The Marshal is a man, who acted as clerk to some persons whom I had occasion to transact some business with, about a dozen years since, when he first came into this country, in which he behaved so, that I have ever since most heartily despised him ; this he has no doubt seen and felt. The moment sentence was pronounced, he called me to him and ordered me to sit down on a certain seat in the Court-house ; he called two persons to give me in charge to, one of them the person who followed me to Middletown to insult me, and was on the trial improved as an evidence. I asked if they would go with me to my lodgings a few minutes, so that I might take care of my papers ? I was answered in a surly manner, No, and commanded to sit down, I stood up. After the Court adjourned, I enquired what was to be done with me until commitment ; I expected I should be confined in the prison in Rutland, the county where I lived :

I was told that the Marshal was authorised to imprison me in what gaol in the state he pleased, and that I must go to Vergennes, about 44 miles north of Rutland, and about the same distance from my seat at Fairhaven. I enquired what were the accommodations there? and was answered in a manner peculiar to the Marshal himself, that they were very good. I told the Marshal, since it had become my duty to go there, he needed no assistance, I would go with him. He said he would not trust to that, and prepared two troopers, with their pistols, to guard me. He ordered me to ride just before them; in this manner I left Rutland. After riding a few miles he overtook us and rode by us, he rode pretty fast and whispered to one of the young men: I learned his intention was to get to Middlebury, the shire town of Addison county, in order to throw me into a dirty dungeon like room there for that night. I did not mend my pace, he came back and scolded, insulted, and threatened; he repeated it. His friends, I was told, expostulated with him, and the humane young men, who were employed as guards, told him they would rather watch me all night, than that I should be thrown into the gaol; we lodged at a tavern, about four miles short of Middlebury gaol; the young men watched: the next day we arrived at this place; there are two roads to come into it, one comes up straight to the gaol-house, by but two or three houses, the other is circuitous, taking almost the

whole length of the little city in its course. I was foremost, and inclined to take the nearest road, but the *gentleman*, by that rout, would lose a share of his triumph ; he ordered us in a peremptory tone into the circuitous road through the city. On the way from Rutland he undertook to direct me, and stop me as to speaking, and told me I should not have the use of pen, ink, and paper. On Wednesday evening last, I was locked up in this room, where I now am ; it is about 16 feet long by 12 wide, with a necessary in one corner, which affords a stench about equal to the Philadelphia docks, in the month of August. This cell is the common receptacle for horse-thieves, money-makers, runaway-negroes, or any kind of felons. There is a half moon hole through the door, sufficient to receive a plate through, and for my friends to look through and speak to me. There is a window place on the opposite side, about 20 inches by 16, crossed by 9 square iron bars ; all the light I have is through this aperture ; no fire place in the cell, nor is there any thing but the iron bars to keep the cold out, consequently I have to walk smartly with my great coat on, to keep comfortably warm some mornings.

On Thursday morning last, I asked a friend for his pen and ink, in presence of the Gaoler. It was offered me ; but the Gaoler said, it was against his orders, I must not have it. The Marshal paid me a visit on Thursday evening ; he examined the cell,

looked on my little table, to see what was there ; but he found nothing but Volney's Ruins, the late laws, some of the President's Mesflages, and a list of the Petit Jury. I inquired of him, then or before, what situation I was to consider myself in, with regard to the use of pen and ink ? His answer was, I might use them, but he must see every thing I sent out of the gaol ; if I conducted otherwise (looking at a chain that lay on the floor) he said he would put me in a situation that I could not write. I asked him, what he meant by that ? He told me, I was at his disposal, and if I did not behave like a prisoner, he would send me to Woodstock gaol.—I told him there would be one advantage in that, he would not be there always, and I should get rid of the sight of him. On Friday, for the first time, two brothers-in-law were admitted to come in to see me. Some of my friends expostulated with the Marshal on the subject of denying me pen and ink ; and in the evening I observed a man hammering on the prison door. You seem much concerned about that door, (said I) there has scarce been an hour since I came here, but there has been some person hammering at the door, or putting new bolts or bars. It is all useless, said I ; if I wished to come out, they could not hold me ; and as I do not, if my limits were marked by a single thread, I would not overstep it. He replied, he was only nailing up an advertisement. Next morning when the house was

very still I heard some person step up, and read the advertisement on the door, it contained a preamble concerning my having complained that I was debarred the use of pen, ink, and paper, and a declaration that I had leave to furnish myself with those things, and use them as I thought proper, signed by the Marshal. As soon as I could get my eye on a person that would go and fetch General Clark, my friend and brother-in-law, who is a member of the Legislature, now sitting here, I sent one, he came, I desired him to read the advertisement, and tell me what I should do, considering the treatment of Fitch, the marshal. He said he would go and see Fitch, and see how he explained the business—he went to Fitch's house, but could not find him, some other business occupied him the rest of the day. I, next morning, sent for a number of friends, who got admittance, and after some conversation on the subject before the gaoler, and getting his explanation of the advertisement, that he considered me now allowed to write, without submiting my productions to the Marshal; I was solemnly invested with pen and ink. The first use I have made of it, after a line to my wife, is to write you this long prolix account of the fruits of this *beloved* Sedition bill. You may remember, that I told you, when it was passing, that it was doubtless intended for the members of Congress, and very likely would be bro't to bear upon me the very first, so it has happened,

and perhaps I, who have been a foot-ball for dame Fortune all my life long, am best able to bear it.— I have long disobeyed your injunction to write to you, waiting to be able to give you an account of the elections.

The noise that has been made about the public and private negociations of our Envoys at Paris, has answered the purpose of the Aristocrats completely (on the other side of the Mountain I mean, Morris's district) to exasperate the unthinking people against every Republican. Governor Robinson had more than half the votes on this side the Mountain ; but Tichenor has got a great majority ; in the whole he had 6,211, Robinson 2,805 ; beside, I am told, there were about five hundred for him, which were lost by inaccurate returns ; there were also 33 $\frac{1}{2}$ scattering votes.

Monday, October 15.

I have just learned that Morris is re-elected ; and I have received the list of the votes for Representative to Congress in this district ; they stand for your friend Lyon, 3482,

Williams, 1554, an Aristocratic candidate.

Chipman, 1370, Do. brother to your little horse nail maker.

Spencer, 285, and several other Aristocrats.

Israel Smith, 274, and several other Republicans.

30, given in for Governor, and the

Representatives of the several towns in Assembly, by

one accident or another put into the box for Representative to Congress.

3483
6985
3482
3503

Our law requires that one person shall have more votes than all the rest—had the 30 mistaken votes not been put in against me, there would have been a choice; but so it is—and I do not much regret it, under existing circumstances. Had I been chosen now, the enemies to rational civil liberty would have said, that I had got it before what they call crimes were substantiated against me; they might possibly have caviled about it; but I believe they will have no room for any thing of that kind the next time. My friends, and the friends of Liberty, sensibly feel the injustice and indignity done to me and themselves; they will be neither idle nor bashful at the next election, which is to be held the begining of December. There is but a small share of the people who voted against me, who are Aristocrats, or determined to support Monarchy or Aristocracy in this country; much the greater part are well-meaning people, led to believe a thousand false stories, which are continually teeming from two venal presses in this district, and several more in the adjacent States, as well as promulgated with the greatest impudence and assurance of impunity, from Lawyers, and those who ought to be Officers of Justice, Expectants of Office, their creatures and dependants. The moderate and well-meaning people, who have been led by those creatures, start at this procedure; they begin to see through the veil what the miscreant Tories and Monarchy-men would be at. Some of them already tremble for the

liberties of their country ; and I believe they will shew their leaders that they will be no longer duped by them. I never thought myself fit for a martyr, but I bear what they put upon me with a degree of cheerfulness, in hopes the people of the U. States will profit by the lesson.

We had a great clamor last year about this time, when we heard of the French Government sending a share of their Legislature into banishment, by an act of power, in the face of the Constitution. What is the odds between banishment and imprisonment from one's family and friends, in a loathsome prison ? What is the odds between making a law to prevent the minority, under pain of heavy fines and imprisonment, from justifying, by their arguments and documents, the principles and opinions by which they have been actuated in Congress ; or banishing them by a summary act ?—Let those who do these things, shew the difference, if they can.

When I look thro' my grates on to the face of the earth, the first prospect before me is the mountains which overshadow on the west the ruins of Crown-Point and Ticonderoga. This view brings to my contemplation the risk we ran for the love of liberty, in taking those strong holds from the tyrant whose armies possessed them ; and the many patriots who perished there by pestilence and the sword, in defence of the sacred name of Liberty. But, alas ! Liberty has been yoked with the word Equality, and both are condemned in this country as Jacobin-

ical, and of French origin. I fear I shall not live to see that sacred name, once so beloved, so deified in America, restored to its former elevation.

I am told the Legislature here are about to address the President; but I believe it will be far from unanimous.

I mourn with you for the death of our good friend BACHE—he was too good a man to be tortured with the Sedition Law—God saw in that light, and took him to himself.

I shall trouble you no longer at this time, than to request you to give my respects to my friends in Virginia, as you have opportunity, and to let them know the operation of the Sedition Law in Vermont. You may be assured I will fervently pray every day that it may never reach your State. Do let me hear from you as soon as convenient. When you get to Congress, I will take the liberty to trouble you often.

Among the many and the valuable smiles of the fickle dame Fortune, which I have enjoyed, I consider the opportunity of your acquaintance one of the best, as well as the right of subscribing myself

Your sincere friend, and very humble servant,

M. LYON.

The following are the names of the Petit Jurors who pronounced Col. Lyon Guilty—on an unconstitutional law—there are some of them well meaning men, who not being well acquainted with law or law pro-

eeedings were induced to yield to his designing, inveterate, and vindictive enemies, who he was not permitted by the Judge to object off.—

John Ramsdell, foreman.—Jabez Ward, John Hitchcock, Bildad Orcut, Andrew Leach, Daniel Jane, Josiah Goss, Philip Jones, Josiah Harris, Ephraim Dudley, Moses Vail, Elihu Brown.

When Judge Paterson gave his charge to the Jury in the case of the Glebe lands, he told them, if Legislatures assumed to themselves the power to enact unconstitutional laws, they ought not to be binding upon Juries; and that Courts and Juries were the proper bodies to decide on the constitutionality of laws;—But in the case of Col. Lyon, rules of law, principles of justice, duty of Jurors, humanity and impartiality of the Judge were all subverted, a new order of things took place, the case was altered—the Judge then pronounced it to be beyond the power of Jurors to investigate the constitutionality of laws; he pronounced the Sedition law constitutional, and ordered the Jury to decide upon facts.

Conduct of the General Assembly.

JUSTICE and LIBERTY trampled under foot!

THE Republicans in this state, and especially in Bennington and Rutland counties, have now to witness the most flagrant outrage on their rights

and liberties, which they have ever suffered. Was not one of the subjects of complaint of the American people, in the commencement of the revolution, the appointment of men to office whom they detested and despised, and their being denied the privilege of electing their own officers, that being usurped by a foreign power? If my information is good, it certainly was! What then must be the feelings of every Independent Republican, to see the dark regions of the East* pouring forth their swarms of unenlightened dupes, led on by designing Aristocrats, joining with the British faction and Monarchy-men, in the North, conspiring in one solid mass, to aim a death blow at liberty. At the head of this phalanx appears their chieftain, bellowing forth philippicks against the most powerful nation on earth, the nation which we have injured and continue to insult, the only nation in the world, to whom we have ever been bound by the ties of justice, gratitude, or similarity of principle—the nation, who, having been outdone by the British, in diplomatic skill and finesse, in our government, have been compelled to resent insults, perfidy, and violation of justice. Thus formed and united in the house of Assembly, there was

* The East has always been considered as the source of light and knowledge, but taking a confined view, circumscribed by the bounds of this state, we find that source contaminated with falsehood, darkness, ignorance, and stupidity.

introduced, an address to the President of the United States, couched in the most fulsome language of adulation and passive obedience, giving unlimited approbation and praise to a weak and falible **MAN**, who, probably, possesses an honest heart, but who has grown old in prejudices dangerous to liberty. This address was the rallying point—it was crowded on before the county elections, in order to determine who should hold offices, and who not. Amos Marsh, Representative of that little mole-hill of Aristocracy, Vergennes, declared openly in the House, that “it was in politics as in religion, *he that doubteth is damned.*” The question was put, and all that voted against the address, had the mark of revenge set upon them. The county nomination succeeded; Bennington county members proposed the same officers, who have served to the greatest satisfaction for a number of years.—

When the House took up the appointments, Gen. Safford retained his seat, as Chief Judge of the County Court; the Hon. Gideon Olin, and Jonas Galusha, esqrs. were superseded by Solo Wright, of Pownal, and Christopher Roberts, of Manchester; men who are acquainted with their characters, can best determine for what purpose they have been elected. Col. David Robinson was superseded, in the office of Sheriff, by an insignificant, pusillanimous fellow, by the name of Cooley, in Rupert; the Probate Judges were shifted; Gen. Joseph Wright was not permitted to hold the office

of Justice of the peace in Pownal, altho' he was unanimously nominated in the county convention, and it was proved in the House that he had done three quarters of the business in that line, in Pownal, for years past; Esq. Shumway, of Dorset, who has grown grey in the confidence of the town, who has been Justice of the peace, and member of the House, long e'er one half of the present race of Aristocrats emerged from the obscurity of their retreats, from oblivion, or from the dust, was refused the appointment, for no other reason but his declining to damn the French, praise the English, and join in the general cry of Presidential Infalibility, and constitutionality to unconstitutional laws.—In Rutland county, the only Republican Judge of the county court (Wilson) is displaced; Esq. Ward, of Poultney, Judge of Probate, is superseded by Chauncey Langdon, Esq. who is the only one named in these alterations, who possesses in the least degree the confidence of the people; he came near being elected a member of the General Assembly.—John Cook is appointed a Justice of the Peace in Poultney, the almost unanimous voice of the town to the contrary notwithstanding.

Thus, men, separated from us by the Green Mountain, 170 or 180 miles distant, undertake to cram down the throats of society, men for officers whom they, in their indignation, have vomited forth! They take upon themselves to reject from office men who possess the love, the confidence, a

the voice of the people; men of age, experience, and independence of sentiment: they ransack the filth of society, drag forth from the shrouds of ignorance, and elevate to public trust, *Creatures despised by their neighbors, hated by their acquaintance, and known only to be condemned.* Such is the conduct of the Aristocratic faction, who seem determined to

"Mad into tumult the seditious herd,

"Or melt them down to slavery."

Will the independent spirit of the Republicans of Bennington, Rutland, and Addison Counties, and in fact the whole Western District, shrink down under this oppression? Will our neighbors, Berkshire, Rensselaer, Washington, and Clinton counties, sit silent, and view patterns of the chains which they must shortly wear?—No!—Such conduct will not be suffered with impunity.—Aristocrats, you are making work for repentance! you are planting seeds of trouble and tribulation! you are heaping up vengeance against the day of retribution, when Republicans, in the whirlwind of their wrath, shall sweep you away.

*A Letter from the Minister of Foreign Relations, to
Mr. Gerry, Envoy from the United States, enclosing
him his passport, concludes with this Postscript;*

"July 15.

"A circumstance of infinite importance has retarded this letter.—I know not how it is, but at every step towards a reconciliation some cause of irritation

intervenes, and that always originates in the United States. Some days ago advices have been received by the Executive Directory. It seems that your government, hurried beyond all bounds, no longer keeps up appearances. A law of the 7th of last month, authorizes it to cause to be attacked every French ship of war, which shall have arrested or ~~entreated~~ intentions of arresting American vessels. A resolution of the House of Representatives suspends, from the 13th of this month, all commercial relations with the French Republic and its dependencies. Several projects of laws have been proposed for banishing of the French, and sequestering French property. The long suffering of the Directory is about to show itself in a manner not to be called in question. Perfidy can never throw a veil over the pacific dispositions which it has never ceased to manifest. It is even at the moment of this new provocation, when it would seem to have no honorable choice but that of war, that it confirms the assurances I have given you on its behalf. In the present crisis it confines itself to a measure of security and preservation, by putting a temporary embargo on American vessels, with a reserve of indemnity if it takes place. It is still ready. It is as much prepared as ever to terminate by a sincere negociation the differences which subsist between the countries. Such is its repugnance to consider the United States as enemies, that in spite of their hostile demonstrations, it means to wait till it be irresistably forced, by real hostilities.

“ Since you intend to depart, hasten at least, Sir, to transmit to your government this solemn declaration.”

[What can war advocates say to this? Does not the French nation make use towards us of the same magnanimous language; which they did before British *Diplomatic Skill* wheedled our government out of its duty and obligations, and many of the American people out of their senses, and all of them out of their liberties? It certainly does. That Government is now ready and willing to treat and negotiate on fair and honorable terms, and has ever been;—after they have cut, carved, mutilated, dismembered, and finally subjected and subjugated the British empire, they may, perhaps, pursue a different course of conduct towards this country.]

F R A N C E.

In the Council of Five Hundred, of July 14, a Secretary read an address of the United Irishmen:

“ Upon the great day of the Liberty and Independence of the Nation, deign to receive the emblem ever dear to the United Irishmen, the Harp of Ossian! with silver chords, mounted with the trophies of Liberty. It is from the heart of oppressed Ireland you receive this homage. They have but one wish, and that is, to break the chains of ——, and to unite their destinies with those of the Great Nation.”

Resolved, That the United Irishmen deserve well of the human race.

KENTUCKY.

LEXINGTON, Aug. 15.

On Monday last, the Citizens of Fayette and the Counties adjacent convened in this town, agreeably to a notice published in the news-papers ; the number present was computed at 4 or 5,000—and after taking into consideration the present critical situation of public affairs adopted the following resolutions :

RESOLVED, that there is sufficient reason to believe, that our liberties are in danger ; and we pledge ourselves to each other, and to our country, that we will defend them against all unconstitutional attacks that may be made upon them.

2. Resolved, that the privilege of speaking and publishing our sentiments, on all public questions is inestimable ; that it is unequivocally acknowledged and secured to us by the Constitution of this state, as well as that of the United States ; that all laws made to impair or destroy it are void, and that we will assert and exercise our just right to this privilege, in opposition to any law which hath been or may be passed, to deprive us of it.

3. Resolved, that the alien bill is unconstitutional, impolitic, unjust, and a disgrace to the American name.

4. Resolved, that standing armies are dangerous to liberty, and that a well regulated, and well armed militia are the only natural and safe defenders of a republican government ; that it was and is the duty of both the general and the state governments, to

provide arms for this purpose ; that they have neglected to perform this duty ; and that it is now incumbent on every freeman to furnish himself without delay, at his own expence.

5. Resolved, that the powers given to the President to raise armies when he may judge it necessary, without limitation as to number ; and to borrow money on the credit of the United States for their support, without restriction as to the amount of interest to be paid on the loan ; are dangerous and unconstitutional.

7. Resolved, that the entering into a close political connection with the present corrupt and tyrannical government of Great Britain, is unnatural and dangerous ; and that we look forward to such an alliance with horror.

9. Resolved, that we will to the utmost of our power, oppose *any* enemy that may invade our country.

COMMUNICATION. A CONTRAST.

Extract from JEFFERSON's Notes on Virginia.

“**I**T should be our endeavor to cultivate the peace and friendship of every nation, even of that which has injured us most, when we shall have carried our point against her. Our interest will be to throw open the doors of commerce, and to knock off all its shackles, giving perfect freedom to all persons for

the vent of whatever they may chuse to bring into our ports, and asking the same in their's. Never was so much false arithmetic employed on any subject, as that which has been employed to persuade nations that it is their interest to go to war. Were the money which it has cost to gain, at the close of a long war, a little town, or a little territory ; the right to cut wood here, or catch fish there, expended in improving what they already possess ; in making roads, opening rivers, building ports, improving the arts, and finding employment for their idle poor ; it would render them much stronger, much wealthier, and happier. This I hope will be our wisdom. And, perhaps to remove as much as possible the occasions of making war, it might be better for us to abandon the ocean altogether, that being the element whereon we shall be principally exposed to joustle with other nations : to leave to others to bring what we shall want, and to carry what we can spare. This would make us invulnerable to Europe, by offering none of our property to their prize, and would turn all our citizens to the cultivation of the earth ; and, I repeat it again, cultivators of the earth are the most virtuous and independent citizens. — It might be time enough to seek employment for them at sea, when the land no longer offers it."

Fellow Citizens, Freemen of Columbia,

These are the sentiments of a man, against whom the fretful Porcupines of powerful party, aim the

quills of venom in vain—on whom the Skunks of office endeavor to discharge their nauseous filth.—View them with attention; scan them with care; appreciate them with wisdom; and happiness will grace the administration of our next President.

*EXTRACT from the Answer of President ADAMS,
to an Address from the Marine Society of Boston.*

“ Floating batteries and wooden walls have been my favorite system of warfare and defence of this country, for three and twenty years. I have had very little success in making proselytes. At the present moment, however, Americans in general, cultivators as well as merchants and mariners, begin to look to that source of security and protection; and your assistance will have great influence and effect in extending the opinion in theory, and introducing and establishing the practice.”

These are the contrasting opinions of two great men; one of them is now considered at the head of the Anglo-Monarchical and Anti-Republican party; and the other, a prominent character in the Democratic-Republican party.—Reader, judge the men from their own avowed publications; but take this along with you, that no nation has ever made such exertions to obtain those “wooden walls, and floating batteries,” as the British; who, having but a small spot of ground of their own, and that an island, have been under a kind of necessity to have recourse to this method, to defend themselves, as well as to

make other countries subservient and tributary to them. But what is the consequence? After weighing in the scale all the advantages and disadvantages, it remains a doubt among the people of that country, whether their fleet is a blessing or a curse to them, when it is considered, that to this system, which upholds the fleet, may be attributed their debt of 397,684,674l. 13s. 5d. Sterling—a great share of the immense taxes they have to pay—and the worse than Algerine slavery to which so many of their fellow-citizens, their brothers, sons, and near relations, are forcibly draged, to man these “ wooden walls !”—From such horrid slavery, and such grievous burdens—the abominable systems of government which tend to make the poor poorer, and the rich richer, *Good Lord deliver us!*

I have frequently, in my comments upon certain characters in this country, applied the word *faction*; and the tools of *faction* have almost as frequently stiled themselves the *majority*, and from thence attempted to prove, that the epithet was improperly applied. Perhaps Mr. Adams's definition of the word *will*, if not satisfy, at least silence, these *growling curs* :—He says, in the third volume of his celebrated book,

“ It may sound oddly to say, that the *majority* is a *faction*, but it is, nevertheless, literally just—if the *majority* are partial in their own favour, if they refuse or deny a perfect equality to every member

of the minority, they are a faction ; and, as a popular assembly, collective or representative, cannot act or will, but by a vote, the first step they take, if they are not unanimous, occasions a division into majority and minority, that is, into two parties, and the moment the former is unjust, it is a *faction*."

I have often asserted, that the British or *Warwhop* faction, in this country, are so intent on their hellish designs, that they stop not at Constitution, Law, Reason, Justice, or Humanity—they trample all under foot ; they have frequently made laws to suit their party designs, but they have now attempted an inroad on the Constitution, for party purposes. It is likely the proposition derived from the seat of government and of corruption, where there is now't but one continued scene of

"Legal outrage, and establish'd guile."

The proposed addition to the Constitution contemplates, that no person shall be eligible to the office of President, Vice-President, Representative, or Senator in Congress, except a natural-born citizen of the United States, or, at least, those who were residents at the time of declaring Independence, and have been ever since.—This is aimed as a deadly blow at the patriotic and illustrious **GALLATIN**, and various Republican Members of Congress.—As the Constitution now stands, it requires but nine out of the sixteen States, to effect an alteration, at a time when British influence and corruption are so prevalent, there is no doubt but they will effect their designs.

FAIRHAVEN, October 25, 1798.

There has no news of any importance transpired since the last SCOURGE made its appearance.—Various are the reports respecting the grand expedition of Buonaparte, on whom all eyes are turned ; some have gained the credit of the press : Those are, 1st, a hand-bill, containing an account of a tremendous naval action, said to have been fought between the fleets under Buonaparte and Neilson ; in which Neilson was killed, and Buonaparte taken :—2d, A paragraph in a Bennington paper of last Saturday, announces (which pretends to some degree of authenticity) that Buonaparte had arrived safe with his army in Ireland :—3d, Letters advising of the arrival of his fleet and army at Alexandria, in Egypt.—I believe neither the first nor the second, the third may possibly be true ; but I shall leave the business as I found it, and wait the result.

The British Frigate *Prevoyante* has taken nine sail of American and Danish vessels, out of a fleet from the Havannah, under convoy of three American armed vessels.

The American revenue brig *Unanimity*, of 14 guns, has been driven on shore on the coast of Carolina, by the British sloop of war *Muskito*, and the vessel lost. [What **DEMOCRAT** is so hardened, as not to feel the necessity of an alliance with that magnanimous nation !

No. III. will be published in a few days.